

ITEM 2

Time commenced – 6.00 pm

Time finished – 8.48 pm

PLANNING CONTROL COMMITTEE 15 MARCH 2012

Present: Councillor Wood (Chair)
Councillors Afzal, Bailey, Bolton, Carr, Harwood, J. Khan, Naitta,
Richards and Shanker

In attendance: Councillors Bayliss, Graves, Turner and Williams

92/11 Apologies for Absence

Apologies for absence were received from Councillor Hickson and Councillor S. Khan.

93/11 Late Items Introduced by the Chair

There were no late items.

94/11 Declarations of Interest

There were no declarations of interest.

95/11 Confirmation of the Minutes of the Meeting held on 9 February 2012

The minutes of the meeting held on 9 February 2012 were agreed as a correct record and signed by the chair.

96/11 To Receive the Minutes of the Meeting of the Conservation Area Advisory Committee held on 19 January 2012

The minutes of the Conservation Area Advisory Committee meeting held on 19 January 2012 were received and noted by the committee.

97/11 Appeals Decision Report

The committee received a report on the appeal decisions taken in the last month.

Resolved to note the report.

98/11 Development Control Monthly Report

The committee considered a report from the Strategic Director of Neighbourhoods on planning applications which were to be determined by the committee, together with notification of applications which had been determined by the Director of Planning and Facilities Management under delegated powers.

1. DER/11/11/01315 – Erection of 4 dwelling houses, 8 flats and demolition of a dwelling house (approval of reserved matters under outline application DER/07/08/00984 – landscaping) at site of 159 and land at rear of 159 – 167 Baker Street, Alvaston, Derby DE24 8SE.

Councillor Graves, Councillor Bayliss and Mr Wilson addressed the committee in objection to the proposal. Mr Thorp addressed the committee in support of the application.

Resolved to grant approval of reserved matters with conditions as set out in the report.

2. DER/07/11/00782 – Erection of 34 dwelling houses and 8 apartments and formation of vehicular access at reservoir site and 120 Huntley Avenue, Spondon, Derby.

The Planning Officer clarified that section 2 of the report, on page 7, should have read as 'erection of 34 dwelling houses and 8 apartments and formation of vehicular access.' The officer amended the list of adopted policies in section 9 of the report, on page 11, to include policy GD3. The officer partially amended section 11.1A of the report, on page 14, to read as 'to revise the terms of the Section 106 Agreement covering the outline planning permission to achieve the objectives set out in section 11.6 of the report.' The officer amended part of section 11.1B of the report, on page 15, to read as 'to authorise the Director of Planning and Facilities Management to approve reserved matters.'

The Planning Officer confirmed that there were no objections in relation to the proposed arboricultural terms.

Councillor Williams, Mr. S. Peat and Mr. P. Peat addressed the committee in objection to the proposal.

Resolved to:

1. **authorise the Director of Planning and Facilities Management to revise the terms of the Section 106 Agreement covering the outline planning permission to achieve the objectives set out in section 11.6 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement; and**
2. **authorise the Director of Planning and Facilities Management to approve reserved matters upon conclusion of the above Section 106 Agreement, subject to conditions as set out in the report and to give officers**

delegated authority to draft, amend or add to them, following consultation with the chair.

3. DER/08/11/00945 – Erection of a Mosque and formation of associated car parking area at land between Renals Street and Mill Hill Lane, Derby DE23 6SB.

The Planning Officer updated the report and confirmed that the height of the proposed central link structure which connected the Mill Hill Lane elevation of the proposed mosque (block 1) and the Renals Street face of the building (block 2) was at a split height to accommodate stair access to the first floor level. The officer explained that the height of the link element, which faced the adjacent residential property at number 83 Mill Hill lane, stood at a lower level than the element facing the adjacent church. The officer amended the penultimate bullet point on page 19 of the report so that the links stood at approximately 4.8 meters from site ground level facing number 83 Mill Hill lane and 7.2 meters from site ground level facing the church.

The Planning Officer clarified that the height from the Mill Hill lane street level to the dome top on block 1 was approximately 15.5 meters. The officer corrected typographical errors contained within the report, namely that section 5.3 on page 21 should have referred to 'Hartington Street' rather than 'Harrington Street' and section 10 on page 31 should have referred to the shape of block 2 as octagonal in footprint, rather than hexagonal. The officer confirmed that references to 'TS' within the report should have been read as meaning 'the submitted Transport Statement.' It was reported that references to 'TRICS' related to a highways database, which was used for traffic flow information.

The Planning Officer informed the committee that since publication of the report, the officers had amended the proposed reasons for refusal and these amendments had been circulated prior to the meeting.

Mr. Al-Samarraie addressed the committee in support of the application and requested a correction to be recorded in relation to section 3 of the report, on page 19, namely that the width of block 2 was 20 meters across (rather than 25 meters) and 23 meters diagonally. Ms. Weston addressed the committee in objection to the proposal.

The Highways Officer informed the committee that comments in relation to the revised plan had been submitted on the 2 March 2012. The officer explained that parking standards were maximum standards and that the provision of parking in the proposal was deemed to be adequate.

The chair proposed a motion to refuse planning permission in accordance with the Planning Officer's recommendation, which was set out in the report. The motion was lost.

A motion to grant planning permission was proposed and seconded.

Resolved to:

- 1. delegate the authority to draft, amend or add planning conditions to the Planning Officer, following consultation with the chair; and**
- 2. authorise the Director of Planning and Facilities Management to grant planning permission, subject to the conditions determined by the Planning Officer, following consultation with the chair.**

Reasons for Approval

In the opinion of the Planning Control Committee, the proposed design was acceptable in the context of the surrounding area. The committee accepted the Highways Officer's recommendations in relation to parking and felt that the objections raised to the application had been overcome.

4. DER/12/11/01514 – Erection of a 20m high telecommunications mast with 3 antennae, 4 dish antennae and equipment cabinets at highway verge adjacent junction of Branksome Avenue and Elvaston Lane, Alvaston, Derby.

The Planning Officer informed the committee that an amended layout plan had been received on the 29 February 2012.

Councillor Graves, Miss. Smallwood and Mr. Barker addressed the committee in objection to the proposal. Photographic evidence was circulated by the objectors, with the permission of the chair.

The chair proposed a motion to grant planning permission in accordance with the Planning Officer's recommendation, which was set out in the report. The motion was lost.

A motion to refuse planning permission was proposed and seconded.

Resolved to:

- 1. refuse planning permission; and**
- 2. nominate Councillor Bolton to represent the committee on appeal, should it be necessary.**

Reasons for Refusal

In the opinion of the Planning Control Committee, the proposed telecommunications equipment would, by reasons of its size, design and prominent sitting, have a significant detrimental impact on the visual amenities of the street scene and on the amenities of nearby residential properties. The development was, therefore, contrary to Policy GD5 of the adopted City of Derby Local Plan Review and Planning Policy Guidance Note 8: Telecommunications.

5. DER/12/11/01496 – Erection of a multi sports arena and formation of associated car parking area at car park and land off Royal Way, Pride Park, Derby.

The Planning Officer informed the committee that comments had been received from the Environmental Health Officer who had found that the internal noise levels were acceptable but had advised that the noise levels from concerts would need to comply with the criteria in the council's Code of Practice on Environmental Noise Control and Concerts 1995. The Planning Officer confirmed that condition number 6 in the report would be amended to give effect to this code of practice.

It was reported that the Land Drainage Officer had recommended further amendments to the land drainage and surface water design solution for the development.

The Planning Officer confirmed that the Environment Agency had submitted further comments and had suggested two additional conditions; namely to require a scheme for pilling to be submitted, together with a scheme for the installation of interceptors.

The Planning Officer amended section 11.1 of the report, thereby making the resolution to grant planning permission subject to giving 21 days notice to the Health and Safety Executive to allow them to further consider a request to the Secretary of State for call in of the application, in light of their continued objections. The officer also amended condition number 14, to ensure that any mitigation measures were agreed within 6 months of the date of the planning permission.

Resolved to grant planning permission with conditions as set out in the amended report, subject to giving 21 days notice to the Health and Safety Executive to allow them to further consider a request to the Secretary of State for call in of the application, in light of their contained objections.

6. The committee considered application numbers DER/11/10/01385, DER/11/10/01386 and DER/11/10/01387 concurrently.

DER/11/10/01385 – Erection of business, industrial and warehousing development, to include petrol filling station and car showroom; provision of environmental protection measures and public open space and construction of part of road proposal T12 (extension of time limit of previously approved outline application no DER/10/91/01345 by a further ten years) at land between Sinfin Moor Lane and Wilmore Road, Derby.

DER/11/10/01386 – Erection of industrial and warehouse development, provision of environmental measures, open space and retention of woodland and construction of road T12 (extension of time limit of previously approved outline application no DER/03/93/00361 by a further ten years) at land off Sinfin Moor Lane to Homeleigh Way, Chellaston, Derby.

DER/11/10/01387 – Erection of business, industrial and warehouse development and construction of part of road proposal T12 (extension of time limit of previously approved outline application code no DER/06/93/00697 by a further ten years) at land to the north of Lea Farm, Sinfin Moor Lane, Chellaston, Derby.

The Planning Officer amended the plan on page 111 of report; correcting an application number to '11/10/01387.' The officer referred to section 3 on page 66 of the report (DER/11/10/1385) and corrected the reference to 0.87 hectare of B1 use to have read as '0.87 hectare of B1, B2 and B8 use.' The officer amended the maximum building height in relation to application number DER/11/10/01387, in section 3 of the report, to 14 meters. The officer clarified that reference to 'B1(c)' throughout the report should have been reference to 'B1.'

The Planning officer amended section 7.3 on page 77 of the report, deleting the last sentence before the sub-heading 'Transport Assessment (TA).' The officer reported that in relation to section 10.9, on page 92 of the report, the Derbyshire County Council Highways Officer had confirmed that he had no jurisdiction for highways matters regarding all three applications and that the highways remit belonged to the Highways Agency and Derby City Council as a Highway Authority.

The Planning Officer referred to the recommendations on page 105 and amended section 13.1B of the report, making it also subject to the removal of the highways holding objection. The officer also suggested that the wording of the conditions was delegated to the officers, following consultation with the chair.

The Planning Officer amended the conditions contained within section 13.3 of the report, namely:

- condition number 5 to refer to condition numbers 2 and 4;
- condition number 12 to include a ground water risk assessment and a scheme to install underground tanks;
- condition number 19 to add the words 'as informed by the environmental impact assessment and associated plans';
- the addition of a new condition requiring the submission of a detailed transport assessment;
- the addition of a new condition requiring a ground contamination assessment and if necessary, a remedial method statement; and
- the addition of a new condition which imposed a restriction on the developable area until the requisite highway works were provided.

The Planning Officer reminded the committee that each application would require a Section 106 Agreement. The officer also confirmed that the Land Drainage Officer had supported the schemes subject to detailed drainage and flood alleviation conditions being attached to any permission. It was reported that the Arboricultural Officer had advised that the majority of the trees with amenity value were being retained and in general, landscaping proposals were appropriate to mitigate any proposed tree loss. The Planning Officer informed the committee that the applicant had confirmed acceptance of the Highway's financial contribution requirement and that the lifting of the Highway's holding objection was awaited.

Mr. Ward addressed the committee in support of the application. Mr. Crisp addressed the committee in objection to the proposal. Councillor Turner addressed the committee. Mr. Creswell, who was registered to address the committee as a public speaker, did not attend the meeting.

The Environmental Health Officer advised the committee in relation to the air quality assessment and noise assessment.

DER/11/10/01385 – Erection of business, industrial and warehousing development, to include petrol filling station and car showroom; provision of environmental protection measures and public open space and construction of part of road proposal T12 (extension of time limit of previously approved outline application no DER/10/91/01345 by a further ten years) at land between Sinfin Moor Lane and Wilmore Road, Derby.

Resolved to:

- 1. authorise the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in section 13.5 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement; and**
- 2. authorise the Director of Planning and Facilities Management to grant permission upon conclusion of the above Section 106 Agreement, subject to the removal of the highways holding objection and subject to the conditions outlined in section 13.3 and 13.4 of the amended report and to give officers delegated authority to draft, amend or add to them, following consultation with the chair.**

DER/11/10/01386 – Erection of industrial and warehouse development, provision of environmental measures, open space and retention of woodland and construction of road T12 (extension of time limit of previously approved outline application no DER/03/93/00361 by a further ten years) at land off Sinfin Moor Lane to Homeleigh Way, Chellaston, Derby.

Resolved to:

- 3. authorise the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in section 13.5 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement; and**
- 4. authorise the Director of Planning and Facilities Management to grant permission upon conclusion of the above Section 106 Agreement, subject to the removal of the highways holding objection and subject to the conditions outlined in section 13.3 and 13.4 of the amended report and to give officers delegated authority to draft, amend or add to them, following consultation with the chair.**

DER/11/10/01387 – Erection of business, industrial and warehouse development and construction of part of road proposal T12 (extension of time limit of previously approved outline application code no DER/06/93/00697 by a further ten years) at land to the north of Lea Farm, Sinfin Moor Lane, Chellaston, Derby.

Resolved to:

- 5. authorise the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in section 13.5 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement; and**

6. **authorise the Director of Planning and Facilities Management to grant permission upon conclusion of the above Section 106 Agreement, subject to the removal of the highways holding objection and subject to the conditions outlined in section 13.3 and 13.4 of the amended report and to give officers delegated authority to draft, amend or add to them, following consultation with the chair.**

99/11 **Section 25 Localism Act 2011
(Pre-determination) Report**

The committee received a report detailing the implications of recent legislative changes which affected the issue of pre-determination.

Resolved to note the report.

100/11 **Major Application Site Visits**

The committee was advised that there were four future major applications.

Resolved to not undertake site visits in relation to the applications.

MINUTES END